IN THE HIGH COURT OF JUDICATURE,

ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

and
THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 17280 of 2004

Between:

1. The Principal Secretary to Government I & C.A.D. (P.W.) Department, Secretariat, Hyderabad.
2. The Engineer-in-Chief, I & CAD, Erramanjil, Hyderabad.
3. The Superintending Engineer, N.S.I.C., O & M Circle, Miryalaguda.
4. The Executive Engineer, N.S.C. Division, Miryalaguda, Nalgonda (District).

..... PETITIONERS

AND

Sri M. Venkanna, Helper Gr.II of N.S.C. Sub-Division No. 4,
Nadigudem, Nalgonda District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ Order or direction more particularly one in the nature writ of "CERTIORARI" and calling for the records relating to the order passed in O.A.No. 1935/96 dated 21-11-2003 on the file of Hon'ble Andhra Pradesh Administrative Tribunal, Hyderabad, and quash the same as illegal, arbitrary.

Counsel for the Petitioner:GP FOR SERVICES II

Counsel for the Respondent: None appeared.

The Court at the stage of admission made the following :

ORAL ORDER:

(Per the Hon'ble Sri Justice Goda Raghuram)

The respondent was initially appointed as helper in the erstwhile A.P. State Construction Corporation Limited (for short "A.P.S.C.C.L.") on 21-01-1980 and his services regularized by Proceeding dated 26-02-1982 in the category of Helper Grade-I. In 1995 he was deputed to the Irrigation Department, and served there in the category of Helper Grader-I in N.S.C., Sub-division No.4. While working as such, in 1996 he was reverted from Helper Grade-I to Helper Grade-II.

In 1993, pursuant to the orders of the Government in G.R.Ms.No.88, dated 26-03-1993, the respondent was absorbed as Helper Grade-I in the Irrigation Department with effect from 01-04-1991. Paragraph No.8 of the order of the Government in G.O.Ms.No.88, dated 26-03-1993, enabling absorption of the employees of the A.P.S.C.C.L., on its winding up entitles the work charged employees of the A.P.S.C.C.L., to be absorbed in the regular Government departments on "as is where is basis". The respondent was thus absorbed as Helper Grade-I. In 1996 as already stated, he was reverted from Helper Grade-I to Helper Grade-II on the ground that he did not possess the requisite qualification for holding the post of Helper Grade-I *qua* the relevant regulations of the Irrigation Department.

Assailing his reversion and seeking continuance as Helper Grade-I, the respondent filed O.A.No.1935 of 1996 before the A.P. Administrative Tribunal. The O.A. was allowed by the order dated 21-11-2003. The Tribunal held that in view of the provisions of G.O.Ms.No.88, dated 26-03-1993, erstwhile employees of the A.P.S.C.C.L., are required to be absorbed on the same terms and conditions in the Government Department as are available to them in A.P.S.C.C.L., and educational qualifications had also been relaxed in respect of

such employees. As the petitioner was a Helper Grade-I in the A.P.S.C.C.L., and was absorbed as such in the Irrigation Department with effect from 01-04-1991 in terms of G.O.Ms.No.88, dated 26-03-1993, he would not liable to be reverted on the ground that he did not possess the qualifications required for holding the post of Helper Grade–I in the Irrigation Department, held the Tribunal. Another ground recorded for allowing the O.A. was that the reversion order was issued fourteen years after the service of the respondent was regularized in 1982.

The learned Government Pleader for Services appearing for the writ petitioner, on instructions, states that no qualifications were prescribed for Helper Grade-I in the A.P.S.C.C.L.

In the circumstances, we find no infirmity in the order of the Administrative Tribunal, warranting interference in this writ petition.

The writ petition is without merits and is accordingly dismissed at the stage of admission. No costs.

J.Chelameswar, J

Goda Raghuram, J

27th October, 2004.

mrk

To

1. The Registrar, A.P. Administrative Tribunal, Hyderabad.
2. The Principal Secretary to Government I & C.A.D. (P.W.) Department, Secretariat, Hyderabad.

3. The Engineer-in-Chief, I & CAD, Erramanjil, Hyderabad.

4. The Superintending Engineer, N.S.I.C., O & M Circle, Miryalaguda.

5. The Executive Engineer, N.S.C. Division, Miryalaguda, Nalgonda (District).

6. Two CCs to the G.P. for Services-II, High Court Buildings, Hyderabad (OUT).

7. Two CD Copies.